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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/913,518	04/06/2004	JEAN-PAUL DEBALME	1247-709-3VF	7024

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EXAMINER	
AFTERGUT, JEFF H	
ART UNIT	**PAPER NUMBER**
1733	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	08/913,518	DEBALME ET AL.	
	Examiner	Art Unit	
	Jeff H. Aftergut	1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1 and 5-17*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Jeff H. Aftergut
Primary Examiner
Art Unit: 1733

Continuation of 5. does NOT place the application in condition for allowance because: As broadly recited in O'Connor, the material thermoplastic matrix fiber amterila and the reinforcing fiber material were to be converted into a composite article via the application of heat and pressure. The reference does NOT expressly state that this can only be performed in a batch operation, but leaves open the possibility that one skilled in the art would haveseelcted a suitable means to apply the heat and pressure to the assembly to form the composite article. As expressed in the Final rejection, one desiring increased productivity would have readily appreciated that it would have been desirable to continuously manufacture the composite material. While O'Connor does not expressly state the same, the ordinary artisan is believed to readily appreciated that rather then forming a single piece of composite material in a single batch operation, a continuous operation would have yielded much greater productivity. A determination of obviousness may be based on common knowlwedge and common sense of the person of ordinary skill in the art, IN re Bozek, 163 USPQ 545. Here, the references to either one of Schermutzki or U.K. 2,040,801 suggested that continuous manufacture of composite articles from fiber reinforced thermoplastic materials was not only known but that it was desirable and that it would have included the application of heat and pressure followed by cooling under pressure (which is what O'Connor suggested was necessary to form the composite article). One of ordinary skill in the art would have found the operations of either one of Schermutzki or U.K. '801 as useful for forming the composites of O'Connor and would have reasonably expected that such would have been successful. It should be noted that obviousness does not require absolute predictability but rahter only a reasonable expectation of success. Additionally, the response is silent as to the teachings contained in E.P. '735, Japanese Patent '412Schermutzki, or U.K. '801 and therefore it is believed that applicant is in full agreement with the Office interpertation of these references .